ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TERRY SHEPARD	)	
	)	CASE NO. 1:06CR49
Petitioner,	)	
	)	
v.	)	Judge John R. Adams
	)	
UNITED STATES OF AMERICA	)	ORDER
	)	
Defendant.	)	
	)	

This matter appears before the Court on motion by Petitioner requesting appointment of counsel (Doc. #115) to assist in preparing or supplementing a § 2255 motion for post-conviction relief.   For the reasons contained herein, the motion is DENIED.

A prisoner has no constitutional right to counsel in a habeas proceeding. *See Post v. Bradshaw*, 422 F.3d 419, 425 (6th Cir. 2005).   The statutory authority governing appointment for habeas proceedings is found in 18 U.S.C. § 3006A(a)(2)(B).   Under the Criminal Justice Act, the Court may appoint counsel in a § 2255 action whenever it "determines that the interests of justice so require."   *See id.*   "Appointment of counsel in a civil case is ... a matter within the discretion of the district court.   It is a privilege and not a right." *United States ex rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir.1965)(quoted in *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir.1987)).   Some of the factors this Court may consider when making the decision to appoint counsel include the viability or frivolity of the petitioner's claims, the nature and complexity of the claims, and the petitioner's ability to present the case without the aid of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838–39 (10th Cir.1985) (per curiam); *see also, Henry v. City of Detroit*

Manpower Dep't, 763 F.2d 757, 760 (6th Cir. 1985) (en banc).

The Court has reviewed Petitioner's request for counsel and considered the factors above. The Court finds that the Petitioner is able to adequately present his relatively straightforward claims without the assistance of counsel.   Accordingly, the motion to appoint counsel is DENIED.

IT IS SO ORDERED.

June 2, 2016   /s/ John R. Adams
Date   Judge John R. Adams
                                                                          United States District Court